

REMARKS (Amendments)

I would like to address the issues concerning the rejections of Claims 1-3 as stated in the Office Action dated February 10, 2005 as they pertain to the Patent Application No. 09/989/567.

Yellen (US 4,068,314), Loscher (US 2,711,539) Skiles, Jr. (US 5,010,592) and Itoi (US 4,502,154)

Each of the above listed patents communicate extremely similar elements necessary for obtaining their respected patents (Ex: two large sheets of material, trunk – like structure, head and neck opening, two long sleeves, buttons and buttonholes, etc.) Although it is believed that each of these references have a bearing on the patentability concerning Patent Application 09/989,567 I believe that it does not interfere with the matter of the Claims in the application allowing for patentable status.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yellen et el (US4,068,314)

In regards to Yellen, the presence of a “back pack” attachment (also found in Itoi US 4,502,155) makes it virtually impossible to turn this article inside –out, and then wear it.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loscher (US 2,711,539)

Although Loscher discloses a combination reversible and convertible article in that the jacket convert from one jacket to another, it’s multifunction is limited to the jacket itself. Loscher does not provide the capabilities of converting the jackets into a tote bag.

Claim 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoi (US 4,502,154) in view of Yellen et al (US 4,068,314)

Although Itoi's article is capable of converting to a tote bag it is clear as viewed in his drawings (and as in the drawings of Hager (US 4,404,687) and Johnson (US 5,860,164) and Wu (US 5,787,504) that the tote bags are mere compartments for the jacket itself, and nothing more, thus prohibiting the tote bag from operating at a full capacity by eliminating the prospect of carrying any other items outside of the jacket itself. This issue is addressed in Patent Application 09/989/567 especially in the Description of Prior Art.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skiles, Jr. (US 5,101,592) in view of Yellen et al (US 4,068,314) as applied to claim 1 above, and further in view of Itoi (US 4,502,154)

The Velcro hook and loop strips of Skiles and the drawstring fastener of Itoi have no bearing on the patentability of Patent Application 09/898,567. The drawstrings used in Patent Application 09/898,567 are for the purpose of carrying the tote bag when it is being used for that function, and not as a closing feature. The Velcro hook and loop strips of Skiles, Jr. fall into the category of various contraptions that have been used in prior art which is mention in the Description of Prior Art for Patent Application 09/898,567. Pertaining to the tote bag function, it was my intention to eliminate the use of all closing devices.

I would like to address the issues concerning the rejections of Claims 1 and 2 as stated in the Office Action dated April 24, 2002 as they pertain to the Patent Application No. 09/989/567.

Claim 1 and 2 are being rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,502,155 to Itoi and U. S. Patent No. 4,502,154 to Itoi.

Itoi discloses a convertible garment useful as a jacket and a bag, wherein the jacket may be stored within the bag. The garment has a double layer of material forming the back panel of the jacket, the top layer having a mouth opening at the rear upper portion of the jacket. The back panel functions as an oversized pocket which, when turned inside out receives the entire jacket therein. The article has strings and/or drawstrings, which are threaded through the mouth of the pocket and are used as straps when the garment is converted to the tote bag function.

What Itoi does not disclose in U.S. Patent No. 4,502,155 to Itoi and U. S. Patent No.

4,502,154 to Itoi is a convertible garment useful as a jacket and bag in which the jacket is also reversible. It is not of sound judgment to randomly wear clothing articles inside – out for the sake of doing so if the article in question was not intended for the purpose of which it is being used. However, the disclosure of a convertible garment useful as a jacket and bag in which the jacket is a reversible article intended for the purpose of being worn in the reverse mode can be found in Patent Application No. 09/989/567. Adding a reversible feature to the jacket is an improvement above the entire design disclosed by Itoi in U.S. Patent No. 4,502,155 to Itoi and U. S. Patent No. 4,502,154 to Itoi and increases the multiple function of the jacket. Again, this disclosure can be found in Patent Application No. 09/989/567.

Claim 1 is being rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,700,409 to De Lott.

De Lott discloses a convertible garment useful as a jacket and a bag, wherein the jacket may be stored within the bag. The garment has a double layer of material forming the back panel of the jacket, the top layer having a mouth opening at the rear upper portion of the jacket. The back panel functions as an oversized pocket which, when turned inside out receives the entire jacket therein.

What De Lott does not disclose in U.S. Patent No. 4,700,409 to De Lott is a convertible garment useful as bag as well as a jacket. This disclosure can be found in Patent Application No. 09/989/567. Adding a reversible feature to the jacket is an improvement above the entire design disclosed by De Lott in U.S. Patent No. 4,700,409 to De Lott and increases the multiple function of the jacket. Again, this disclosure can be found in Patent Application No. 09/989/567.

Although U.S. Patent No. 4,502,155 to Itoi and U. S. Patent No. 4,502,154 to Itoi and U.S. Patent No. 4,700,409 to De Lott share the same disclosure, both Itoi and De Lott were awarded patents (Itoi in 1983 followed by De Lott in 1987). However, it is clear that Patent Application No. 09/989/567 is an improvement above U.S. Patent No. 4,502,155 to Itoi and U. S. Patent No. 4,502,154 to Itoi and U.S. Patent No. 4,700,409 to De Lott due to the added feature in which the convertible garment useful as a jacket and bag includes the versatility of the said jacket being reversible.

I'd further like to address the concerns of Claims 1 and 2 alternatively being rejected under 35 U.S.C. 103 (a) as being unpatentable over U. S. Patent No. 4,502,154 to Itoi in view of U.S. Patent No. 4,502,155 to Itoi.

Itoi discloses a convertible garment useful as an outerwear garment and a bag, wherein the outerwear may be stored within the bag. The garment has a double layer of material forming the back panel of the jacket (Fig.3), the top layer having a mouth opening (2) at the rear portion of the jacket (Fig. 2). The back panel functions as an oversized pocket (7) which, when turned inside out as shown in Fig. 4, receives the entire jacket therein. The article has drawstrings (3, 4), which are threaded through the mouth of the pocket and used as rope like article when the garment is converted to the tote bag function, as in claim 2.

Concerning U.S. Patent No. 4,502,155 to Itoi as it pertains to the present invention it must be stressed that Itoi attaches a bag like structure to the back panel of the jacket with a second bag like structure attached to the first where as in the present invention of Patent Application No. 09/989,567 the sack portion of the jacket actually doubles as the back piece of the said jacket. The obviousness of the position of the bag portion in U.S. Patent No. 4,502,154 to Itoi and U.S. Patent No. 4,502,155 to Itoi is also found in U.S. Patent No. 4, 700,409 to De Lott. The main concern involving the bag portion is not only the availability of storage space but also the overall protection concerning the opening of the bag portion, which is ignored by Itoi in U.S. Patent No. 4,502,154. This issue is addressed in U.S. Patent No. 4, 700,409 to De Lott with the use of a closing devise to cover the opening. However Patent Application No. 09/989,567 as the present invention provides an overall improvement to resolve the issue of the use of a closing devises verses the non-use of closing devises by eliminating the need of any closing gadgets or structure as it pertains to the opening of the sack portion through the

reversible function of the jacket which allows the opening to be concealed and completely protected.

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If the Examiner believes that there is patentable subject matter disclosed in the present application, but he does not feel that the present claims are technically adequate, he is respectfully requested to write acceptable claims pursuant to MPEP 707.07(j), a copy of which is attached.

707.07(j)
State When Claims Are Allowable
Inventor Filed Applications

When, during the examination of a pro se case, it becomes apparent to the examiner that there is patentable subject matter disclosed in the application, the examiner shall draft one or more claims for the applicant and indicate in his or her action that such claims would be allowed if incorporated in the application by amendment.

This practice will expedite prosecution and offer a service to individual inventors not represented by a registered patent attorney or agent. Although this practice may be desirable and is permissible in any case where deemed appropriate by the examiner, it will be expected to be applied in all cases where it is apparent that the applicant is unfamiliar with the proper preparation and prosecution of patent applications.